

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 26th DAY MARCH, 2012 OF AT 6:15 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755
ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Matthew R. Gabriele	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the following addendum dated March 26, 2012 was added to the agenda under Closed Session as follows:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2012-016

The vote on the foregoing motion was as follows:

AYE

Matthew R. Gabriele
Christopher A. Tuck
Mary W. Biggs
William H. Brown
Annette S. Perkins
Gary D. Creed
James D. Politis

NAY

None

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Old Blacksburg Middle School Property
- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 2012-016
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. CPMT
2. Library Board
3. NRV Economic Development Alliance

4. Parks & Recreation Commission
5. Planning Commission
6. Transportation Safety Commission
7. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
James D. Politis	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

William H. Brown
Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION

Proclamation – Matt Hagan

The Board of Supervisors presented Matt Hagan with a proclamation recognizing Mr. Hagan as the 2011 World Champion in the Full Throttle Drag Racing Funny Car at the National Hot Rod Association Competition.

PUBLIC HEARING

Rezoning Amendment – Forest Hills at Belview

A request by Forest Hills at Belview (Agent: Balzer & Associates) to amend a proffer statement and master plan previously approved on March 5, 2007 (ORD-FY-07-23) to remove/revise trail locations for 17.927 acres zoned Residential Multi-Family (RM-1) as shown on the revised plan submitted by the applicant entitled "Forest Hills Master Plan". The property is located at 180 Belview Drive (in the 3200 block of Peppers Ferry Road) and is identified as Tax Parcel No. 64-A-42 (Acct # 017168) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use and Medium Density Residential within the Prices Fork Village Plan.

Steve Sandy, Planning Director, provided a brief summary on the amendment to the Forest of Belview's proffer statement and master plan approved in 2007. The applicant is requesting an amendment to their Trail Master Plan by eliminating several trails throughout the park and adding the installation of sidewalks. The applicant's justification for the amendment is as follows:

- 1) Security - While the trails are located in common space within the development, they are located behind the units. This could possibly lead to feelings of insecurity by residents of those units by encouraging people to traverse through or congregate in their "back yards".
- 2) Accessibility - The grading along sections of the trail is very challenging and will require steps. VHDA promotes accessibility across the site where possible and having amenity features not usable by all residents it not preferred.
- 3) Constructability - As explained in #2 above, grade changes have required the design of sections of steps along the trail. These steep grades will likely be an erosion control & maintenance concern over the long term. This can be avoided by removing the trails and steps, thus allowing a better transition for final grading.
- 4) Financial- Part of the proffered conditions of the project included road improvements to Peppers Ferry Road. These included turn lanes, new striping, signage, etc. There were changes required to the road portion of the project after plan approval that have caused a cost overrun of approximately \$185,000.00. The removal of these site amenity trails would help offset these significant additional costs.

The two new sidewalk sections would connect the buildings on Tilia Court to the rest of the project's sidewalk infrastructure. This will allow residents pedestrian access to the dumpster, clubhouse and playground area. The applicant stated that while the trails were a nice ideal, the sidewalks accomplish the same result and do so in a more responsible, safe and financially appropriate manner.

At their March 14, 2012 meeting, the Planning Commission recommended denial of the request. The Commissioners felt the elimination of the proposed trails behind units #23 – 42 was

appropriate due to topography; however, they felt that with 70 residential units under construction the developer should provide the additional trails as shown on the plan. The Planning Commission also believed that a five ft. asphalt trail or sidewalk connection to a planned controlled crosswalk across Peppers Ferry Road (SR 114) to access Belview Elementary School should be constructed when a crosswalk on Peppers Ferry Road is in place.

Following the Planning Commission decision, the applicant revised the request to include the Planning Commission's recommendations. The applicant will proffer the trail connection to the planned controlled crosswalk. Bryan Rice, Planning Commission Chair, commented that had the new proffer been presented to the Commission, he believed the Planning Commission recommendation would have favored approval of the request rather than denial.

Steve Semones, agent, provided additional comments on the proposed changes, saying that the applicant will construct a trail connecting the development to a crosswalk when completed.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Lindsay West spoke in support of the 87 cent real estate tax rate and commended the Board for accepting the County Administrator's recommendation and advertising the 12 cent increase. Ms. West stated the prosperity of Montgomery County depends on adequate funds for education, public safety, wise capital investments, and a range of quality services for all citizens. With the sharp decrease of state and federal funds, the large capital needs and growth of the County, the present tax rate is no longer sufficient. Ms. West urged the Board to approve the advertised tax rate of 87 cents.

Susan Marmagas spoke about the importance of investing in public education. Ms. Marmagas stated that Montgomery County is blessed to have outstanding public education available to all children in the county. She stated that many parts of the United States demand that individuals turn to private schools for a descent education. Ms. Marmagas commented that Montgomery County schools and teachers are dedicated to giving everyone a chance to learn. They invest in our children, offer free breakfast and lunch to kids whose parents may not have sufficient resources, teach children how to make good choices, and offer a safe place to play and grow. Ms. Marmagas believes that the county must dig deep to continue this investment now and into the future in order to leave a legacy for future generations.

Valerie Phillips-Downing supports a 12 cent real estate tax rate increase. She understands the need for quality education and applauds the Board of Supervisors for taking the appropriate steps to raise much needed revenue for the schools.

John Gill expressed concerns with excessive spending by the School Board and believes that cuts can be made. He stated on previous occasions the Board of Supervisors has been asked to require the School Board to justify their budget requests and be held accountable. Mr. Gill does not understand the logic of building schools that cost \$35 -\$50 million for only 300 students. He

believes that the students who live on the border of Roanoke County and Floyd County line should not be attending school in Montgomery County.

Connie Froggatt spoke in support of a 12 cent real estate tax rate increase. She thanked the Board of Supervisors for their efforts and urged them to do the right thing by approving the rate increase.

Bill Murray spoke in opposition to a real estate tax rate increase. Mr. Murray believes the majority of the citizens of Montgomery County do not support a tax increase. He expressed concern that the County did not issue a voter referendum seeking citizens' input on issuing bonds for new schools. He believes that a referendum would have failed. Mr. Murray also stated that citizens who came before the Board requesting their roads be paved and upgraded will be irate if something is not done to their roads. He stated the \$1 million the Board of Supervisors returned to the School Board for school buses and technology upgrades but was spent elsewhere, could have been allocated to fix these roads.

Julie Snyder expressed her dismay over receiving a phone call from the Tea Party urging residents to attend the Board of Supervisors meetings and oppose a real estate tax rate increase. She also expressed dismay with the editorial in the Roanoke Times regarding the budget situation and school debt. Ms. Snyder stated residents from Riner are willing to pay higher taxes for their community. Ms. Snyder believes that the County has gone from feast to famine and that the County needs a steady stream of funds for the schools. If the County would have allocated at least 2 cents of the real estate tax for capital projects then they would not be in the situation they are now in. She urged every Board member to support the 12 cent real estate tax rate increase and support the School Board's budget.

Jennifer Mengle supports a real estate tax rate increase in order to provide the necessary funds for public education. She stated schools are needed and asked the Board to approve a 12 cent real estate tax rate increase.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 26, 2012 was approved.

The vote on the forgoing motion was as follows:

AYE

Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins
William H. Brown
James D. Politis

NAY

None

Approval of Minutes

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated November 28, 2011 and December 12, 2011 were approved.

Supervisor Creed and Chair Politis commented they could not attest to the accuracy of the minutes dated November 28, 2011 as they both were absent at this meeting.

A-FY-12-67 ECONOMIC DEVELOPMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

810	Economic Development	\$22,590
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02 412ARE	2012A Real Estate	\$22,590
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Said resolution appropriates funds to Economic Development for incentive payments.

A-FY-12-68 SOCIAL SERVICES BUDGET ADJUSTMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a General Fund appropriation **reduction** for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

540	Social Services	(\$524,304)
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

State & Federal	(\$436,512)
Fund Balance	<u>(\$ 87,792)</u>
Total	(\$524,304)

Said resolution adjusts the County appropriation to match the approved Social Services funding reported by the state during mid-year review.

**R-FY-12-112
AMENDMENT TO THE
COUNTY'S COMPENSATION AND
CLASSIFICATION PLAN**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Changes to the County's Compensation and Classification Plan require approval by the Board of Supervisors; and

WHEREAS, Vacancies, retirements and elimination of positions necessitate changes in the current Compensation and Classification Plan.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby approve the following changes to the Fiscal Year 2011-2012 Compensation and Classification Plan:

1. Abolish a Senior Office Assistant position, pay grade 111, in the Sheriff's office.
2. Establish an Administrative Manager position, pay grade 118, in the Sheriff's office.
3. Abolish an Administrative Captain position, pay grade 126, in the Sheriff's office.
4. Establish a Sergeant position, pay grade 121, in the Sheriff's office.
5. Reclassify a Marketing and Research Specialist position in the Economic Development office, pay grade 117, to a Project Manager position, pay grade 123.

Said resolution approves changes to the current Compensation and Classification Plan.

**R-RY-12-113
ECONOMIC DEVELOPMENT AUTHORITY
APPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Eric K. Johnsen** to the **Economic Development Authority (EDA)** effective March 27, 2012 and expiring March 26, 2016.

**R-FY-12-114
ECONOMIC DEVELOPMENT AUTHORITY
APPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **George F. Wilkins, III** to the **Economic Development Authority (EDA)** effective March 27, 2012 and expiring March 26, 2016.

**R-FY-12-115
MONTGOMERY-FLOYD REGIONAL
LIBRARY BOARD
APPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Margaret R. Christle** to the **Montgomery-Floyd Regional Library Board** effective March 27, 2012 and expiring June 30, 2014.

Said appointments fills the unexpired term of Karen Frederick, deceased.

NEW BUSINESS

**R-FY-12-116
PROCLAMATION
NATIONAL LIBRARY WEEK
APRIL 8-14, 2012**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Libraries have historically served as our nation's great equalizers of knowledge by providing free access to all; and

WHEREAS, Libraries work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming; and

WHEREAS, Our County's three public libraries, Blacksburg, Christiansburg and Meadowbrook, provide a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, Librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, Librarians design and offer programs to meet their community's economic needs, providing residents with computer classes, assistance writing resumes, online databases and job seeking resources; and

WHEREAS, Libraries are part of the American dream, places for education, opportunity and lifelong learning; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby proclaims **April 8-14, 2012** as **National Library Week** and encourages all residents to visit the library this week to take advantage of the wonderful library resources available to them.

The vote on the forgoing resolution was as follows:

AYE

Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
James D. Politis

NAY

None

COUNTY ATTORNEY'S REPORT

The County Attorney reported he received a request from the Electoral Board to start the process of temporary changing the E-1 Precinct Polling Place from St. Michael Lutheran Church to Kipps Elementary for the June 12, 2012 primary election. St. Michael Lutheran Church will be holding Vacation Bible School June 11-15, 2012. A public hearing is required and a resolution requesting the change will be forward to the State Board of Elections for approval. The County Attorney asked the Board to consider scheduling a public hearing for April 23, 2012.

R-FY-12-117
A RESOLUTION SCHEDULING A PUBLIC HEARING
ON THE PROPOSED ORDINANCE
TEMPORARILY CHANGING THE E-1 PRECINCT POLLING PLACE FROM
ST. MICHAEL LUTHERAN CHURCH TO KIPPS ELEMENTARY SCHOOL
FOR THE JUNE 12, 2012 PRIMARY ELECTION ONLY

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves scheduling a public hearing on Monday, April 23, 2012, at 7:00 p.m. or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, located at 755 Roanoke Street, Christiansburg, Virginia, to hear public comment on the proposed Ordinance Temporarily Changing the E-1 Precinct Polling Place from St. Michael Lutheran Church Located at 2308 Merrimac Road in the County of Montgomery, Virginia, to Kipps Elementary School Located at 2801 Prices Fork Road in the Town of Blacksburg, County of Montgomery, Virginia for the June 12, 2012, Primary Election Only.

The vote on the forgoing resolution was as follows:

AYE

Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
James D. Politis

NAY

None

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- Special Board of Supervisors Meeting: The County Administrator requested a special meeting to discuss the FY 2012-2013 Budget be scheduled for April 2, 2012 before the Public Service Authority meeting. Supervisor Creed asked if the Board meeting could be held after the PSA meeting as he does not believe they will have sufficient time to properly discuss budget matters. Supervisor Creed will contact the PSA Director to move the PSA meeting up to 6:00 p.m. in order for the Board of Supervisors meeting to start at 7:00 p.m.
- The General Assembly is back in session to discuss the State's budget. There appears to be some movement toward agreement at the Senate level to adopt the budget.

BOARD MEMBERS' REPORTS

Supervisor Biggs is saddened to report that Casey Jones, a physical education teacher at Kipps Elementary, died at the age of 50. He was a P.E. Teacher and taught in Montgomery County Public Schools for over 25 years. Mr. Jones refereed numerous sporting events and made a

positive impact on the children over the years. Supervisor Biggs sends her condolences to the family.

Supervisor Tuck commended the Public Information Officer for getting Montgomery County's Sunshine Review rating raised from a D to a B for its website. There was some misinformation and the Public Information Officer contacted Sunshine Review to correct it.

Sunshine Review is about state and local government transparency, engaged citizens, and holding government officials accountable. The Sunshine Review wiki collects and shares information about state and local transparency using a 10-point Transparency Checklist to evaluate 6,000 state and local government websites.

Auburn Middle School Facility Supervisor Tuck reported that one of his goals when elected to the Board of Supervisors was to save the AMS facility to be used for future school needs instead of demolishing it. With the help of the County Administrator it was determined that there is not enough growth in the future in the Riner community to justify leaving a school facility vacant. Also, in order to comply with the state code, on the required acreage needed for the new Auburn High School, another five acres is needed. If the AMS facility is not demolished the five acres would have to come from adjoining property owners. Montgomery County agreed not to take any more land from the Salmons; therefore, the AMS facility will have to be demolished. Supervisor Tuck stated he understands all the issues involved and will not pursue trying to save the AMS facility.

Supervisor Gabriele attended the March 20th School Board meeting. The School Board approved the FY 2013 School Calendar. Students will start back to school on August 14, 2012. The students' last day of school for this year is scheduled for May 25, 2012. The School Board also discussed the VRS impact to the budget, and school redistricting. A public hearing for the school redistricting is scheduled for April 3, 2012.

ADJOURNMENT

The Chair declared the meeting adjourned to Thursday, March 29, 2012 at 6:00 p.m.

The meeting adjourned at 8:35 p.m.

APPROVED _____	ATTEST: _____
James D. Politis Chair	F. Craig Meadows County Administrator